IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SUO MOTU WRIT PETITION NO.1913 OF 1990

Shri Vilas Pandurang Mhatre, .. Petitioner
Vs
The State of Maharashtra & anr .. Respondents

Mr.S.M.Dange, Advocate appointed for the petitioner.
Mr Y.D.Mullani, for respondent no.1.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE,JJ.
DATE : APRIL 03, 2006.

PC:

1. The written instructions received from Mr Mullani, learned AGP, from the Chief Executive Officer of Raigad Zilla Parishad, Alibag go to show that the petitioner was employed, for the first time, as Road-Clerk on temporary basis on 23.11.1981 and was discontinued. After a gap of three months he was again reemployed on temporary basis and discontinued. Such intermittent employment continued upto 11.8.1987 and on account of Zero Budget having been enforced by the State Government, he was not reappointed after 11.8.1987. It is thus clear that when the petitioner addressed a letter dated 31.3.1990 to the Honbourable Chief Justice of this Court the petitioner was not in the employment of Zilla Parishad.

2. There was a gap of more than 2.1/2 years when he appeared in this Court and from the date of his discontinuation, i.e. 11.8.1987. The employment on permanent basis with the Zilla Parishad is as per the

Rules framed under the Zilla Parishad Act. A writ petition under Article 226 of the Constitution cannot be entertained for directing the Zilla Parishad to appoint the petitioner in any permanent post unless the petitioner had undergone selection process, figured in the select list and was not issued appointment order for some reasons attributable to the authority concerned. In any case, with the passage of time the grievance raised in this petition cannot be looked into.

3. The petition is hereby dismissed. Rule discharged. No costs.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE,J.)**